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Victor K. Blanco

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EXAMINER

RADA, ALEX P

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/802,509	Applicant(s) BLANCO, VICTOR K.	
	Examiner ALEX P. RADA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/3/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13, 18-21, 29, 30, 55-61 and 70-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 18-21, 29, 30, 55-61 and 70-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/11/08; 2/3/09</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

In response to the amendment filed 03 February 2009 wherein applicant cancels claims 9, 14-17, 22-28, 31-54, 62-69 and 84-86, amends claims 1, 13, 29, 55, 70 and claims 1-8, 10-13, 18-21, 29-30, 55-61 and 70-83 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-13, 18-21, 29-30, 55-61 and 70-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US 6,599,194) in view of Scott et al. (US 5,675,752).

Regarding claims 1, 13, 29, 55 and 70, Smith et al. (hereafter Smith) discloses a game console comprising: a memory (figure 3); a processor coupled to the memory (figure 3); and a console application stored in the memory and executable on the processor (col. 1, lines 10-18), the console application to facilitate access to multiple media types associated with a plurality of different media sources by presenting graphics on a user interface (figures , 4, and 10; wherein the game console presents a graphical user interface providing navigation to media on the game console, wherein the hard disk is segregated into a user data region and an application data region media to play a game, media to watch movies, and media to listen to music) The game console application is stored on the

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non-removable hard disk drive and is executable on the processor (Column 3, lines 54-57), the non-removable hard disk drive is configured to store data associated with multiple saved games (Column 7, lines 34-42), the game console comprising an enclosure for the processor (100), the non-removable hard disk drive (206) and a port (80a-d) for interfacing with a game controller (56a-d) (Column 3, lines 41-46 and Figure 1A), a game console (52) comprising a processor (100) and a hard disk drive (206) coupled to the processor, wherein the hard disk drive stores a console application to which the game console boots, and wherein the hard disk drive (partitioned hard disk drive) stores application data such that data associated with a first application is inaccessible to other applications (Figure 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46, and 54-67, Column 25, lines 3-22, and Column 17, lines 12-42). Smith discloses identifying a file name or program on the hard disk drive (Column 3, lines 57-67, Column 7, lines 34-42, Column 13, lines 3-17, Column 23, lines 1-20, and Column 25, lines 3-22), determining portions of the hard disk drive that are associated with the video game based on the game identifier (Column 3, lines 57-67, Column 7, lines 34-42, Column 13, lines 3-17, Column 23, lines 1-20, and Column 25, lines 3-22). Additionally, file names stored in a file manager by name and folder/directory is inherent to a hard disk drive having file managing capabilities; media containing a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); and media containing a movie (television, video, or movie downloaded from the Internet) (Abstract, Column 1, lines 10-18, and Column 3, lines 57-67). Regarding the different media types please see the following; media to play a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); media to watch a movie (television, video, or movie downloaded from the Internet) (Abstract, Column 1, lines 10-18, and Column 3, lines 57-67); and media to listen to music (audio) (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67).

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With respect to the graphical user interface please see figure 10 where a user interface, application manager, and a file manager are disclosed. Additionally, 13:3-17 discloses storage of all media on a mass storage device including games, DVD's, and other application programs. Column 22:47- 23:20 explicitly disclose a user interface as follows:

"The user interface 350 is the user interface which permits a user to select features provided by the application manager 352. The user interface therefore presents to the user a set of selectable operations.

The application manager 352 is the module which controls which applications are executed and which are not. Additionally, it exercises control over the file management system 360.

As described above, some of the applications that may be run in the video game system 50 as expanded by expansion device 95 are communications applications, which are controlled by a communications applications module 354. Such applications include an Internet browser, which may, for example, be a conventional browser providing e-mail and other capabilities appreciated by those skilled in the art.

The system also provides for off-line applications controlled by an Off-line Applications module 356. Module 356 provides calculator, word processor, TV guide and other applications. With respect to the TV guide off-line application, the TV guide may, for example, be accessed via the Internet. Once the TV guide is resident in hard drive 206, the Off-line Applications module 356 manages the various operations performed with respect to the TV guide data.

As shown in FIG. 10, all applications have access to File Manager module 360. File Manager 360 controls the files which are stored on hard drive 206 or other mass memory module utilized in the system. The File Manager 360 must in turn pass through the security layer controlled by the Security module 362 before decryption of data stored in the disk is possible."

This section clearly discloses a user interface and a file manager. Smith is silent in regards to the graphics comprising: a plurality of different graphical elements that are presented on a first display, each graphical element associated with one of the multiple media types; and a menu layout accessible via each of the graphical elements, the menu layout presented on a second display that replaces the first display, the menu layout including: a list portion showing a list of available titles of one of the multiple media types that are accessible from the game console; an image portion outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles of the one media type; a panel portion outside of the list portion, the panel portion

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displaying descriptive information regarding the title currently selected from the list of available titles of the one media type, and displaying a generic statement when no available titles are accessible and a count portion outside of the list portion, the count portion displaying a number of the available titles when on or more available titles are accessible, and displaying a zero when no titles are accessible.

Regarding claim 2, Smith discloses a game console wherein the memory comprises a hard disk drive (figure 4; wherein a hard disk is shown).

Regarding claim 3, Smith discloses a game console wherein the media types are selected from a group of media types comprising game data, audio data, and video data (col. 1, lines 10-18 and col. 3, lines 57-67).

Regarding claim 4, Smith discloses a game console wherein at least one media type is stored remotely from the game console (col. 1, lines 10-18).

Regarding claim 5, Smith discloses a game console wherein the media types include system settings (figure 10 and summary).

Regarding claim 10, Smith discloses a game console wherein a portable media drive configured to communicate with a portable memory device that stores a particular media type; and wherein further, the user interface is configured to facilitate access to media types other than the particular media type stored in the portable media drive (see discussion above).

Regarding claim 11, Smith discloses a game console wherein a portable media drive configured to communicate with a portable memory device; and one or more portable memory units contained in a game controller; and wherein the game console is configured to present a user interface identifying the memory, the portable memory device, and the memory units that are available for storage of user data (see discussion above).

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Regarding claim 18, Smith discloses a game console wherein the user interface further comprises a memory collection menu selectable from the main menu to identify the hard disk memory and any other memory devices available for storage of user data (see discussion above).

Regarding claim 59, Smith discloses a game console wherein the game console has one or more memory device, further comprising presenting a memory menu that identifies the one or more memory device that are available for storage user data (see discussion above).

Regarding claim 60, Smith discloses a game console wherein a memory device from the memory collection menu, navigating to a memory contents menu that identifies contents of the selected memory device (see discussion above).

Regarding claim 61, Smith discloses a game console wherein computer- executable instructions that, when executed, perform the method as recited in claim 55 (see discussion above).

Regarding claim 76, Smith discloses a game console wherein a memory collection menu accessible from the main menu to identify one or more memory devices of the game console (see discussion above).

Regarding claim 77, Smith discloses Smith discloses a game console wherein a memory contents menu accessible from the memory collection menu to identify contents of the selected memory device (see discussion above).

Regarding claim 78, Smith discloses a game console wherein a settings collection menu accessible from the main menu to offer system level options for operating the game console (figure 4 and well known in gaming systems).

Regarding claim 79, Smith discloses a game console wherein a clock settings menu accessible from the settings collection menu to facilitate adjustment of a system clock in the game console (figure 4 and well known in gaming systems).

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Regarding claim 80, Smith discloses a game console wherein a language settings menu accessible from the settings collection menu to facilitate adjustment of a language used in the game console (figure 4 and well known in gaming systems).

Regarding claims 81-83, Scott teaches an audio settings menu, a video setting menu and parental control setting menu accessible from the settings collection menu to facilitate user selection of an audio mode, a video setting menu and parental control setting menu (figure 4 and well known in gaming systems).

Scott et al. teaches (hereafter Scott) an interactive applications generator for graphic user interfaces that contains one or more displays screens for interactive application environments. Scott teaches a graphical user interface comprising: a plurality of different graphical elements, each graphical element associated with one of the multiple media types (figure 3; wherein a plurality of graphical elements each associated with a media type such as audio, video, games etc.); and a menu layout accessible via each of the graphical elements, the menu layout including: a list portion showing a list of available titles of one of the multiple media types (figures 3, 9b and 11a; wherein a layout of the graphical elements shown and a list showing available titles of the media type shown); an image portion outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles of the one media type (figures 3, 9b and 11a and col. 3, lines 21-43; wherein each of movies are capable of having different generated media frames capable of having images, graphics, animation, video clips, text, and sound clips); a panel portion outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles of the one media type (figures 3, 9b and 11a; wherein panel portion outside the panel portion having descriptive information regarding movies oriented towards adults or children shown, having a particular indicia is a matter of aesthetics); and

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displaying a generic statement when no available titles are accessible; and a count portion outside of the list portion, the count portion displaying a number of the available titles when on or more available titles are accessible and displaying a zero when no titles are accessible (figure 9a-9b; wherein a list is shown and it is understood that when no titles are accessible, that some type of information would inform the user that nothing is available for viewing); wherein the multiple media types include a game media type, a music media type, and a movie media type (figures 3, 9b and 11a; wherein the media types are shown). Scott further discloses a list of possible movies under the view tab having different descriptive information regarding rating for either adults (figure 9a) or for a child (9b) regarding the rating appropriate for adults and children. Since Scott is an interactive applications generator to generate an interactive application environment for use on a computer system (game console), it is understood that different titles or descriptive indicia regarding the specific types of movies would be present when filled. Scott is silent in regards to a count portion outside of the list portion and a zero when no titles are accessible. At the time of the invention was made, it would have been an obvious aesthetic design choice to provide a count portion outside the list portion and a zero when no titles are accessible. Scott teaches a list of movies via descriptive indicia regarding the specific types of movies appropriate for adults or children. The absence of criticality is not disclosed that having a count portion outside of the list portion and a zero when no titles are accessible provides an advantage or solves a stated problem. One of ordinary skilled in the art, furthermore, would have expected Applicant's invention to perform equally well with the teachings of Scott because they would provide the same outcome of displaying a plurality descriptive information regarding the different movies, music or games accessible to the user. Scott further discloses GUI interface capable of creating a layout that is capable of having different media frames that provide images, graphics, animation, video clips, text and sound clips, to provide information

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regarding the media selected. It would have been obvious design choice to include a plurality of different graphical elements that are presented on a first display and a menu layout that is presented on a second display that replaces the first display. Scott teaches interactive graphical user interface capable of designing and creating different types user defined graphical user interface that contains one or more display screens for an interactive applications environment. Having one display presented and a second display replaces the first display is a matter of aesthetics. Scott teaches that as the user opens a certain folder, a plurality of information is presented to the user for further selection. Having one display be replaced with another display is very well known in any windows based system. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the menu layout as taught by Scott because they would provide the same purpose of providing information to a user an interactive application environment.

By having a graphical user interface layout that display different media types, one of ordinary skill in the art would provide an interactive system for users the opportunity to easily select which movie to watch, what music to listen to and what game to play.

Regarding claims 6-8, 19-21, 30, 56-58, 19-21, 71-75, , Scott teaches wherein the list of available titles includes a list of available games, music, movies, the image portion depicting an image from a title includes an image portion that depicts an image from a currently selected game, music, movie, and a panel portion displaying descriptive information includes a panel portion that displays information regarding the currently selected game, music, movie (figures 3, 9b and 11a and col. 3, lines 21-43).

Regarding claim 71, Scott teaches a games option menu accessible from the title collection menu to offer options pertaining to a particular game title (figures 3, 9b and 11a and col. 3, lines 21-43).

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Regarding claims 12 and 83, Scott teaches wherein the user interface comprises a parental control setting menu that allow a user to set various levels for different media types (summary).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Smith's the game console to include a plurality of different graphical elements, each graphical element associated with one of the multiple media types; and a menu layout accessible via each of the graphical elements, the menu layout including: a list portion showing a list of available titles of one of the multiple media types; an image portion outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles of the one media type; a panel portion outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles of the one media type as taught by Scott to provide an interactive system for users the opportunity to easily select which movie to watch, what music to listen to and what game to play.

Response to Arguments

3. Applicant's arguments filed 03 February 2009 have been fully considered but they are not persuasive.

Applicant contends that the prior art reference of Smith in view of Scott does not disclose the claimed invention as amended.

The examiner respectfully disagrees. Applicant contends that the prior art reference does not disclose a plurality of different graphical elements that are presented on a first display and a menu layout accessible via each of graphical elements, the menu layout presented on a second display that replaces the first display. The examiner respectfully disagrees. As noted above Scott teaches a

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plurality of different graphical elements that are associated with different media types and a menu layout accessible via each of the graphical elements. Scott does not expressly disclose a plurality of different graphical elements that are presented on a first display and a menu layout accessible via each of graphical elements, the menu layout presented on a second display that replaces the first display. It would have been obvious design choice to include a plurality of different graphical elements that are presented on a first display and a menu layout that is presented on a second display that replaces the first display. Scott teaches a interactive graphical user interface capable of designing and creating different types of user defined graphical user interface that contains one or more display screens for an interactive applications environment. Having one display presented and a second display replaces the first display is a matter of aesthetics. Scott teaches that as the user opens a certain folder, a plurality of information is presented to the user for further selection. Having one display be replaced with another display is very well known in any windows based system. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the menu layout as taught by Scott because they would provide the same purpose of providing information to a user on an interactive application environment.

Applicant contends that the prior art does not disclose displaying a generic statement when no available titles are accessible and a count portion outside of the list portion, the count portion displaying a number of the available titles when one or more available titles are accessible, and displaying a zero when no titles are accessible.

The examiner respectfully disagrees. Scott discloses a list of possible movies under the view tab having different descriptive information regarding rating for either adults (figure 9a) or for a child (9b) regarding the rating appropriate for adults and children. Since Scott is an interactive applications generator to generate an interactive application environment for use on a computer

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system (game console), it is understood that different titles or descriptive indicia regarding the specific types of movies would be present when filled. Scott is silent in regards to a count portion outside of the list portion and a zero when no titles are accessible. At the time of the invention was made, it would have been an obvious aesthetic design choice to provide a count portion outside the list portion and a zero when no titles are accessible. Scott teaches a list of movies via descriptive indicia regarding the specific types of movies appropriate for adults or children. The absence of criticality is not disclosed that having a count portion outside of the list portion and a zero when no titles are accessible provides an advantage or solves a stated problem. One of ordinary skilled in the art, furthermore, would have expected Applicant's invention to perform equally well with the teachings of Scott because they would provide the same outcome of displaying a plurality descriptive information regarding the different movies, music or games accessible to the user.

The examiner notes the both the claimed invention and cited prior art discloses a game console having memory, a processor and console application and a graphics on a user interface. The only difference is the way the graphics on the graphic user interface is designed, presented and displayed. The cited references disclose applicant's claimed invention as noted above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

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THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Thursday, 09:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. R./
Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714